IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY FIRST DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

**THE HON'BLE MR JUSTICE K.C. BHANU**

**WRIT PETITION NO : 23653 of 2004**

Between:

B.Subrahmanyam S/o.Raja Nagaiah
Lakkireddypally Section, Cuddapah Dist.

**..... PETITIONER**

AND

1 Housing Department rep by its Secretary Govt of A.P.
Secretariat Buildings, Hyderabad.
2 The A.P.State Housing Corporation Ltd., rep by its Managing Director
Urdugally, Himayathnagar, Hyderabad.
3 The District Collector and Executive Director of State Housing corporation Ltd.,
Cuddapah Dist.

**.....RESPONDENTS**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an order or direction more particularly one in the nature of writ of mandamus calling for the records vide proc.No.A4/3562/2004 dt 29-9-2004 issued by the 2nd respondent and declare the same as illegal, arbitrary and further direct the respondents to consider the case of the petitioner for promotion as Assistant.Engineer on par with juniors taking into consideration of the proceedings No.A2(3)/10940/2000, dt 16-3-2002 of the 2nd respondent and pass such other and further order or orders.

**Counsel for the Petitioner:MR.P.RAGHAVENDER REDDY**

**Counsel for the Respondent Nos.1 & 3: GP FOR HOUSING**

**Counsel for the Respondent No.2 : STANDING COUNSEL FOR HOUSING CORPORATION.**

**The Court at the stage of admission, made the following :**

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**ORDER:**

This writ petition is filed to call for the records vide Proc.No.A4/3562/2004 dated 29.9.2004 issued by the 2nd respondent and to declare the same as illegal, arbitrary and further direct the respondents to consider the case of the petitioner for promoting him as Assistant Engineer on par with juniors taking into consideration issued by the Proceedings No.A2(3)/10940/2000 dated 16.3.2002 of the 2nd respondent. The grievance of the petitioner is that even though he is otherwise eligible for promotion to the post of Assistant Engineer, the respondents have not given him any promotion and on the other hand, rejected his case on the ground that the matter is pending before this Court. Hence, he prays for issuance of appropriate orders.

On the other hand, the learned counsel appearing for the

respondents contended that promotions of 71 persons is the subject matter of dispute before this Court and therefore, till the said writ petition is disposed of, the case of the petitioner can not be considered. Hence, he prays to dismiss the writ petition.

The case of the petitioner was not considered on the earlier occasion on the ground that a punishment was awarded to him by the District Collector vide proceedings dated 8.9.2001. However, the said punishment was later set aside by the appellate authority-1st respondent. Therefore, the petitioner approached this Court by way of filing writ petition No.13565 of 2004. This Court by an order dated 3.8.2004 directed the respondents to consider the representation of the petitioner dated 14.7.2004 and to pass appropriate orders as per the rules within a period of two months from the date of receipt of a copy of that order. Thereafter, the impugned proceedings have been passed.

A reading of the impugned proceedings, makes it clear that the writ petitioner was placed at serial No.89 in the seniority list. It is also stated that promotions were given to the posts of Assistant Engineer up to serial No.353. Since some irregular appointments were effected in the month of February, 2002, with regard to promotions to 71 individuals , show cause notices were served on them. All the 71 persons filed a writ petition before this Court and the matter is pending. Therefore, the petitioner's case was rejected. The order under challenge does not show that the petitioner is a junior to the 71 individuals who filed the writ petition before this Court and on its own showing the petitioner was palced at serial No.89. It was also stated that promotions were given up to serial No.353. If the case of the 71 individuals is under challenge, still the writ petitioner appears to be senior to all the 71 persons. Therefore, prima facie, there is no impediment for giving promotion to the writ petitioner.

Hence, the impugned proceedings are set aside and the 2nd respondent is directed to pass appropriate orders for promoting the petitioner as Assistant Engineer on par with his immediate juniors,

within a period of two weeks from the date of receipt of a copy of this order.

The writ petition is accordingly allowed. No order as to costs.

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21.12.2004

**NOTE:** Office to furnish C.C within one week

(B.O)

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To

1 The Secretary, Housing Department , Government of A.P.
Secretariat Buildings, Hyderabad.
2 The Managing Director , A.P.State Housing Corporation Ltd.,
Urdugally, Himayathnagar, Hyderabad.
3 The District Collector and Executive Director of State Housing corporation

Limited, Cuddapah Dist.

4. 2CCs to the Government Pleader for Housing, High Court Buildings, A.P.,

Hyderabad (OUT)

5. 2 CD copies

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